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Application No. 10/806,834
Amendment dated May 25, 2007
Reply to Office Action of January 29, 2007

5

Docket No.: 59300CIP(71970)

REMARKS

Claims 1-4 and 6-8 are pending and claims 5 and 9 stand cancelled. We note from the Advisory Action that the Amendments filed on April 4, 2007 and April 25, 2007 were not entered. As such, Applicants have used the claims pending as of the January 29, 2007 Office Action for the purposes of showing amendments above.

A telephonic interview with Examiner Pryor was held on March 27, 2007. The Examiner is thanked for his helpful comments during the interview. In accord with his suggestions, Claim 6 has been amended to delete recitation of the disorders to be treated, which are not necessary for patentability. Support for this amendment can be found throughout the specification. No new matter is presented by this amendment.

During the interview, the Examiner was presented the structures of various compounds presented in the specification by name as evidence of support for the previously presented amendments. Those structures are reproduced below. Reconsideration of the application is requested in view of the remarks which follow.

A second telephonic interview with Examiner Pryor was held on April 25, 2007. A third telephonic interview with Examiner Pryor was held on May 1, 2007. The Examiner is thanked for his helpful comments during these interviews. During each of these interview, Attorney for Applicants and the Examiner discussed the duplicative or confusing definition for R₉ in claim 1, the lack of antecedent basis in claim 2 and the need for the proviso of claim 1.

In accord with the Examiner's suggestions, Claim 1 has been amended to more clearly define the claimed subject matter. In particular, Claim 1 has been amended to correct the description of R₉ when R₇ represents the radical of the formula (2) and to remove the proviso language at the end of the claim as the proviso no longer excluded any compounds based on the definition of R₉ when n = 0. Claim 2 has also been amended to more clearly define the claimed subject matter. In particular, Claim 2 has been amended to conform the language regarding the formula when R₇ represents the

COPY

Application No. 10/806,834

6

Docket No.: 59300CIP(71970)

Amendment dated May 25, 2007

Reply to Office Action of January 29, 2007

radical of formula (2) to the language used in claim 1 and to thereby correct the antecedent basis. No new matter is presented by this amendment. Applicants further submit that no new search is required by the amendments presented herein.

Claims 1-4 and 6-8 stand rejected under 35 USC 112, 1st paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that there was insufficient support for the amendments concerning R⁴ and R⁶. The rejection is respectfully traversed.

As previously discussed, ample written description and support for the subject matter recited in claims 1-4 and 6-8 appears in the present application. The Examiner appears to be requiring exact language in the specification to support the claim language. This is not the proper standard. Indeed, the "specification need not describe the claimed invention in *ipsis verbis* to comply with the written description requirement." *Ex parte Sorenson*, 3 U.S.P.Q.2d 1462, 1463 (Bd. Pat. App. & Interf. 1987).

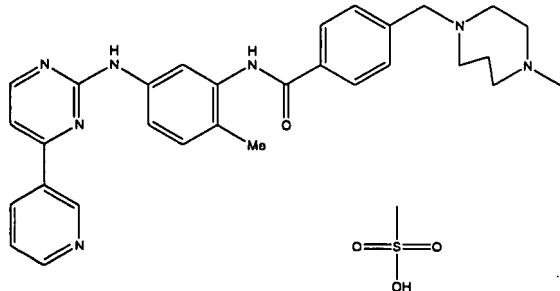
To that end, Applicants respectfully highlight the following exemplary compounds, which provide support for the claims as presented.

Amendment dated May 25, 2007

Reply to Office Action of January 29, 2007

For instance, compounds of Formula (1) wherein R₄ is H, and one or two of R₅, R₆ and R₈ each represent halogen, lower alkyl or lower alkoxy are demonstrated as:

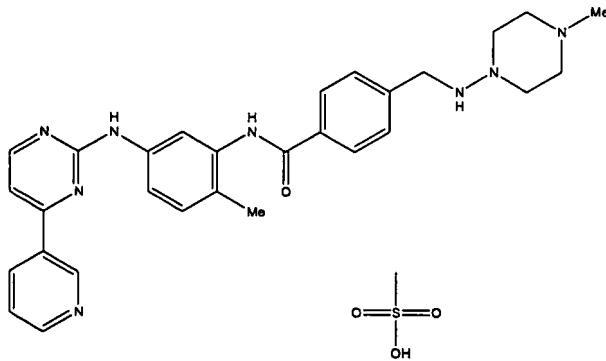
Examples 5 and 6: (Page 19 of the specification)



4-(4-methylhomopiperazin-1-ylmethyl)-N-[2-methyl-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide and

4-(4-methylhomopiperazin-1-ylmethyl)-N-[2-methyl-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate (respectfully);

Examples 7 and 8: (Page 20 of the specification):



4-(4-methylpiperazin-1-ylaminomethyl)-N-[2-methyl-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide and

4-(4-methylpiperazin-1-ylaminomethyl)-N-[2-methyl-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate (respectfully);

COPY

Application No. 10/806,834

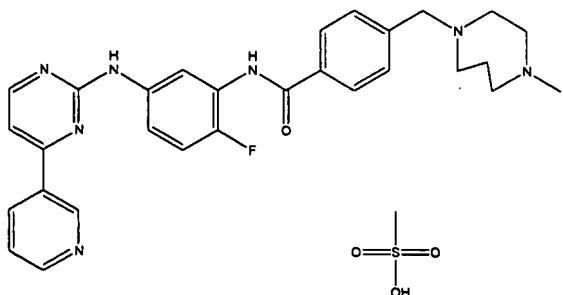
8

Docket No.: 59300CIP(71970)

Amendment dated May 25, 2007

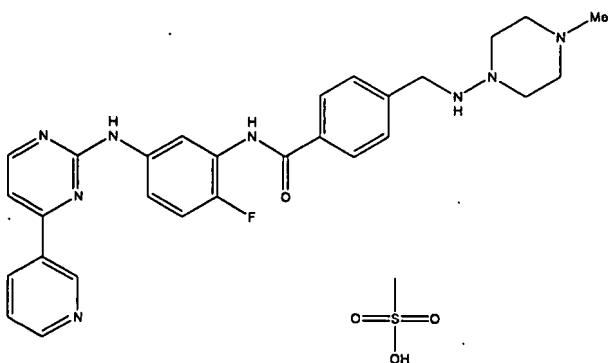
Reply to Office Action of January 29, 2007

Example 24: (Page 32, lines 23-29 of the specification)



4-(4-methylhomopiperazin-1-ylmethyl)-N-[2-fluoro-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate; and

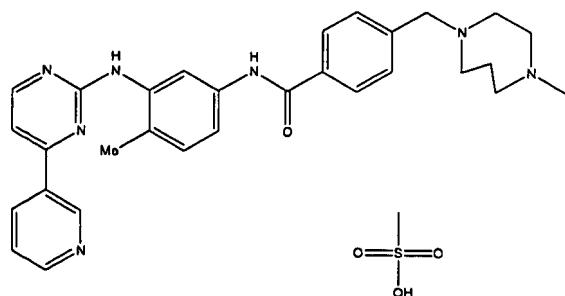
Example 28: (Page 34, lines 21-22 of the specification)



4-(4-methylpiperazin-1-ylaminomethyl)-N-[2-fluoro-5-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate.

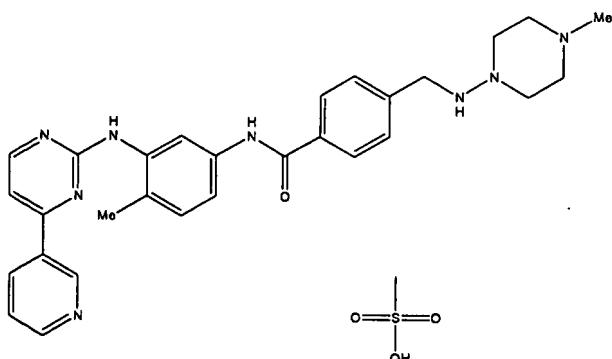
Additionally, compounds of Formula I wherein R₄ is methyl, and R₅, R₆ and R₈ is H are demonstrated as:

Example 2: (Page 16, lines 1-12 of the specification)



4-(4-methylhomopiperazin-1-ylmethyl)-N-[4-methyl-3-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate; and

Example 4: (Page 16, line 30 through Page 17, line 10 of the specification)



4-(4-methylpiperazin-1-ylaminomethyl)-N-[4-methyl-3-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate.

COPY

Application No. 10/806,834

10

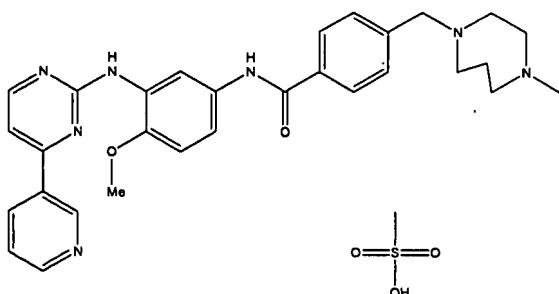
Docket No.: 59300CIP(71970)

Amendment dated May 25, 2007

Reply to Office Action of January 29, 2007

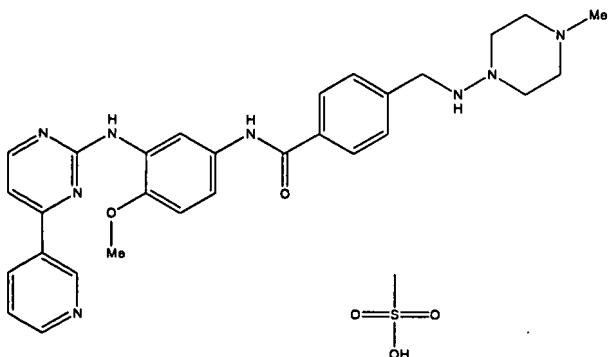
Further, compounds of Formula I wherein R₄ is methoxy, and R₅, R₆ and R₈ are H are demonstrated as:

Example 20: (Page 29, line 30 through Page 30, line 9 of the specification)



4-(4-methylhomopiperazin-1-ylmethyl)-N-[4-methoxy-3-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate; and

Example 22: (Page 30, lines 23-29 of the specification)



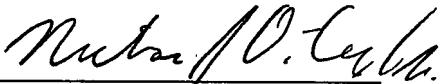
4-(4-methylpiperazin-1-ylaminomethyl)-N-[4-methoxy-3-(4-(pyridin-3-yl)pyrimidin-2-yl)aminophenyl]benzamide methanesulfonate.

Accordingly, the claims are fully compliant with the requirements of 35 USC 112, 1st paragraph, including the written description requirement. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above remarks, Applicant believes the pending application is in condition for immediate allowance.

Dated: May 25, 2007

Respectfully submitted,

By 
Nicholas J. DiCeglie, Jr.

Registration No.: 51,615
Christine C. O'Day
Registration No.: 38,256
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant